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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,922	01/07/2004	Charles Whiteman	HOLI 0127 PUS	5773
27256	7590	11/01/2007		
Dickinson Wright PLLC 38525 Woodward Avenue Suite 2000 Bloomfield Hills, MI 48304			EXAMINER SALIARD, SHANNON S	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/752,922

Applicant(s)

WHITEMAN ET AL.

Examiner

Shannon S. Saliard

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3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                                                  |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                             | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/18/06</u> . | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Invention I (claims 1-15) in the reply filed on 15 August 2007 is acknowledged.

***Specification***

2. The abstract of the disclosure is objected to because in line 2 the word --a-- should be removed from the phrase "travel information from a several consumers". Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. **Claims 2 and 3** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claim 2**, the limitation "said database books" as recited is vague and indefinite. It is unclear to the Examiner how a database can book a travel package. For the purpose of examination, the Examiner will interpret the limitation to be "said database processor books".

As per **claims 2 and 3**, the limitation "said multiple groups" as recited is vague and indefinite. There is lack of antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1 and 7-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al [US 2003/0064788] in view of Gottfurcht [US 6,611,881].

As per **claims 1, 7 and 9**, Walker et al discloses a travel arrangement system for a plurality of consumers comprising: a database storing information regarding a set of groups comprising the plurality of consumers having at least one common consumer preference parameter per group [0166; see Fig. 8B and descriptions thereof]; a database processor generating said database as a function of a plurality of consumer preference parameters comprising said at least one common consumer preference parameter [0142]. Walker et al does not explicitly disclose a travel agent negotiating a discount rate from a travel service provider for one of said set of groups. However, Walker et al disclose that the group may negotiate a discount [0127-0129]. Furthermore, Gottfurcht discloses an engine that determines that one or more members belong to a group with common parameters and that this information [members belong to a group] is used to provide a group discount to the travel agent or airline websites [col 24, lines

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49-62]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Walker et al to include the method disclosed by Gottfurcht to locate bulk discounts for groups [col 3, lines 51-56].

As per **claim 8**, further comprising: soliciting said travel information from said plurality of consumers.

7. **Claims 2 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al [US 2003/0064788] in view of Gottfurcht [US 6,611,881] as applied to claim 1 above, and further in view of Schiff et al [US 2002/0082877].

As per **claims 2 and 10**, Walker et al does not disclose wherein said database processor determines a lowest cost travel service from a plurality of travel service providers and wherein said database books at least one of said multiple groups of the plurality of consumers into a travel package. However, Schiff et al discloses finding a lowest travel service from a plurality of travel suppliers and booking the travel package [0100; 0113]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Walker et al to include the method disclosed by Schiff et al to provide customers with services that meets their preferences [abstract].

8. **Claims 3, 4, 11-13, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al [US 2003/0064788] in view of Gottfurcht [US 6,611,881]

as applied to claim 1 above, and further in view of Schiff et al [US 2002/0082877] and Walker et al [US 2006/0241966].

As per **claims 3, 4, 11-13, and 15**, Walker et al does not disclose wherein at least one of said multiple groups of the plurality of consumers is booked into a travel package. However, Schiff et al discloses booking travelers into a travel package [0100; 0113]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Walker et al to include the method disclosed by Schiff et al to provide customers with services that meets their preferences [abstract]. Walker et al does not further disclose wherein said database processor substitutes an alternate service for at least a portion of a cost saving generated from group booking through a travel service provider. However, Walker et al ['966] discloses providing a discount for a product and instead of giving the discount in cash offering a free item (i.e., alternative item). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Walker et al to include the method disclosed by Walker et al ['966] to encourage the purchase of profitable items and influence the transaction [0018]. Walker et al ['966] does not explicitly disclose wherein said alternate service comprises SCUBA related activities or equipment. However, the difference between an alternate service and the alternate service comprising SCUBA related activities or equipment is only found in the non-functional descriptive subjective interpretation of the claim.

9. **Claims 5, 6, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al [US 2003/0064788] in view of Gottfurcht [US 6,611,881], Schiff et al [US 2002/0082877] and Walker et al [US 2006/0241966], as applied to claim 4 above, and further in view of Hager et al [US 2004/0225578].

As per **claims 5 and 14**, Walker et al does not disclose wherein said database processor receives SCUBA certification and consumer requirement information for said SCUBA related activities and stores said SCUBA certification and consumer requirement information in said database, wherein said database processor generates at least one individualized shopping list of needed SCUBA gear for one or more members of said at least one of said multiple groups of the plurality of consumers. However, the Examiner takes Official Notice that it is old and well known in the industry to store certification and consumer requirements in databases. The fact the information is SCUBA related is non-functional descriptive. The system would operate the same regardless of the stored information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Walker et al to include storing SCUBA information because the subjective interpretation of the data does not patentably distinguish the claimed invention. Furthermore, Hager et al discloses generating a list of needed items for a consumer [0031]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Walker et al to include the method disclosed by Hager to facilitate planning.

As per **claim 6**, Walker et al does not disclose wherein said individualized shopping list is filled out automatically as a function of said consumer requirement information. However, Hager et al discloses generating a shopping list based on consumer requirements [0031]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Walker et al to include the method disclosed by Hager et al to aid in planning.

### ***Conclusion***

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

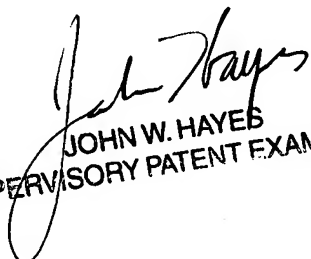
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JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER

Shannon S Saliard  
Examiner  
Art Unit 3628